

REMARKS

Claims 1, 15 and 18 are amended. Claims 1-20, as amended, remain in the application. No new matter is added by the amendments to the claims.

The Rejections:

The Examiner rejected claims 1, 5, 9, 11, 13-15, 18, and 20 under 35 U.S.C. 102(b) as being anticipated by Zurawin et al. (U.S. Patent No. 4,164,803). With respect to Claim 1, the Examiner stated that Zurawin et al. discloses the following:

- A container body having a plurality of walls
- A handle extending from the container body (Fig 1, item 20)
- A divider disposed in the cavity
- Means for removably retaining the divider in the cavity

With respect to Claim 5, the Examiner stated that Zurawin et al. discloses a front, rear, and pair of sidewalls.

With respect to Claim 9, the Examiner stated that Zurawin et al. discloses the handle including a grip portion and an attaching portion, wherein the grip portion is the vertical component of item 20 and the attaching portion is the substantially arcuate portion above the grip portion.

With respect to Claim 11, the Examiner stated that Zurawin et al. discloses the handle including a hang tab portion (Fig. 1, item 21).

With respect to Claim 13, the Examiner stated that Zurawin et al. discloses means for removably retaining the divider (Fig. 1, items 24 & 26).

With respect to Claim 14, the Examiner stated that Zurawin et al. discloses the base of the container and the handle extending in the same plane (Fig. 1).

With respect to Claims 15 and 18, the Examiner stated that Zurawin et al. discloses the following:

- A container body
- A handle
- A divider

With respect to Claim 20, the Examiner stated that Zurawin et al. discloses the base of  
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the container and the handle extending in the same plane (Fig. 1).

The Examiner rejected Claims 1-7, 9-13, 18 and 9 under 35 U.S.C. 103(a) as being unpatentable over Jarecki et al. (US 5533228) in view of Zurawin et al. (US 4164803) and Leffert et al. (US 3837034). With respect to Claim 1, the Examiner stated that Jarecki et al. discloses a container body having a plurality of walls defining an open cavity, but fails to teach a handle extending from the container body, a divider, and means for retaining the divider. The Examiner stated that, nonetheless, Leffert et al. teaches a paint tray with a handle extending from the container body, which improves maneuverability of the container, and Zurawin et al. teaches a paint tray having a divider with means for retaining it within the container, which provides a more versatile design. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add a handle to the container of Jarecki et al. as taught by Leffert et al. and to add a divider and means for retaining the divider to the container of Jarecki et al. as taught by Zurawin et al. so as to improve maneuverability and versatility of the container, respectively.

With respect to Claim 2, the Examiner stated that Jarecki et al., as modified above, discloses the front wall having a horizontal portion 24 and a sloped portion 19.

With respect to Claim 3, the Examiner stated that Jarecki et al., as modified above, discloses the claimed invention except for a rib being formed on the inside surface of the container. The Examiner stated that, however, Leffert et al. teaches a paint tray with ribs formed on the inside surface of the container, which provides support for a painting tool. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add ribs to the inside surface of the container of Jarecki et al. as taught by Leffert et al. so as to provide support for a painting tool.

With respect to Claim 4, the Examiner stated that Jarecki et al. discloses the claimed invention except for at least one horizontally extending rib. The Examiner stated that, nonetheless, Leffert et al. teaches a paint tray with horizontal ribs formed on the inside surface of the container, which provides support for a painting tool. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add horizontal ribs to the inside surface of the container of Jarecki et al. as taught by Leffert et al. so as to provide support for a painting tool.

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With respect to Claim 5, the Examiner stated that Jarecki et al. discloses a front, rear, and pair of sidewalls.

With respect to Claim 6, the Examiner stated that Jarecki et al. discloses the front, rear, and sidewalls sloping inwardly, as shown in Fig's 2 & 3.

With respect to Claim 7, the Examiner stated that Jarecki et al. discloses a lip extending upwardly from an upper edge.

With respect to Claim 9, the Examiner stated that Jarecki et al. discloses the claimed invention except for the container having a handle including a grip portion. The Examiner stated that, however, Leffert et al. teaches a paint tray having a handle with a grip portion (Fig. 1, item 12) which provides a convenient means for carrying the tray. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add a handle with a grip portion to the container of Jarecki et al. as taught by Leffert et al. so as to provide a convenient means for carrying the tray.

With respect to Claim 10, the Examiner stated that Leffert et al. teaches the grip portion having a tubular shape.

With respect to Claim 11, the Examiner stated that Leffert et al. teaches the handle including a hang tab, as shown in Fig. 5, wherein the arcuate portions at the end of the handle 12 is the hang tab.

With respect to Claim 12, the Examiner stated that Jarecki et al. discloses the claimed invention except for the container having a divider that tapers. The Examiner stated that, however, Zurawin et al. teaches a paint tray having a divider, wherein if the tray of Jarecki et al was modified to have a divider as taught by Zurawin et al., the divider would clearly be tapered as the tray of Jarecki is tapered. The Examiner stated that having a divider as such improves versatility of the container. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add a divider to the tray of Jarecki et al. as taught by Zurawin et al. so as to improve the versatility of the container.

With respect to Claim 13, the Examiner stated that Zurawin et al. teaches means for removably retaining the divider, Fig. 1, items 24 & 26.

With respect to Claim 18, the Examiner stated that Jarecki et al. discloses a container body, but fails to teach a divider disposed in the cavity and a handle. The Examiner stated that, 000132695\0005\688540-1

however, Zurawin et al. teaches a paint tray having a divider, thus improving versatility of the container, and Leffert et al. teaches a paint tray having a handle. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add a divider and handle to the tray of Jarecki et al. as taught by Zurawin et al. and Leffert et al. so as to improve versatility of the tray.

With respect to Claim 19, the Examiner stated that Jarecki et al. discloses a nestable tray but fails to teach a tubular grip portion. The Examiner stated that, however, Leffert et al. teaches a tubular grip portion, item 12. The Examiner stated that having a grip portion as such provides convenient gripping of the tray. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add a handle with a tubular grip portion to the container of Jarecki et al. as taught by Leffert et al. so as to provide convenient gripping of the tray.

The Examiner rejected Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Jarecki et al. in view of Zurawin et al. and Leffert et al. as applied to claim 1 above, and further in view of Tennant (US D461288). The Examiner stated that Zurawin et al. discloses the claimed invention except for the lip forming an inner upwardly facing step and an outer downwardly facing step. The Examiner stated that, nonetheless, Tennant teaches a paint tray wherein the lip forms an inner upwardly facing step and an outer downwardly facing step (Fig. 1). Having the lip as such provides a nesting feature. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the lip of Zurawin et al. to have an inner upwardly facing step and an outer downwardly facing step as taught by Tennant so as to provide a nesting feature.

The Examiner rejected Claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Zurawin et al. in view of Jarecki et al. With respect to Claim 16, the Examiner stated that Zurawin et al. discloses the claimed invention except for front wall having a generally horizontal portion. The Examiner stated that, however, Jarecki et al. teaches a paint tray having a generally horizontal portion, thereby providing a surface to upright objects against. According to the Examiner, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the front wall of Zurawin et al. to have a horizontal portion as taught by Jarecki et al. so as to provide a surface to upright objects against.

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With respect to Claim 17, the Examiner stated that Zurawin et al teaches a plurality of generally horizontally extending ribs formed on the front wall.

**The Response:**

Applicant has amended claims 1, 15, and 18 to clarify that the divider of the present invention divides the cavity of the container body in two and seals the divided cavities when installed in the cavity. Support for this amendment is found on page 3, lines 26-28 of Applicant's specification. Such a divider is neither shown nor suggested by any of the cited references. Zurawin et al. teaches that paint flows through the cutouts 35 in the wall 32.

In addition, Applicant disagrees that the Zurawin et al. patent discloses a handle adapted to be grasped by a human hand as recited in Applicant's claims. The Zurawin et al. patent discloses a paint pan 10 having a pair of L-shaped leg members 20 adapted to engage with a ladder rung 49 to allow the paint pan to be attached to a ladder, as shown in Fig. 4. There is no suggestion that either of the leg members 20 is configured for grasping by a human hand. The Zurawin et al. patent, therefore, does not disclose each and every element of Applicant's claims and does not anticipate Applicant's claimed invention.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner cited Ippolito (U.S. Patent No. 5,511,279), Goetz (U.S. Patent No. D328,808) and Bebak (U.S. Patent No. 6,419,106). Applicant has reviewed these references and found them to be no more pertinent than the prior art relied upon by the Examiner in the rejections.

In view of the amendments to the claims and the above arguments, Applicant believes that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.